

Remarks/Arguments

Reconsideration and allowance are respectfully requested in light of the following remarks. Claims 1-3, 18, 36, 41, 43, 44, 54-62, 89 and 95-111 remain pending.

Applicants again note with appreciation the indication of allowable subject matter in claims 3, 11, 18, 41, 54-57, 60, 95, 96, 98-101, 103-109 and 111. Based on the following argument, applicants believe that all claims now will be held allowable.

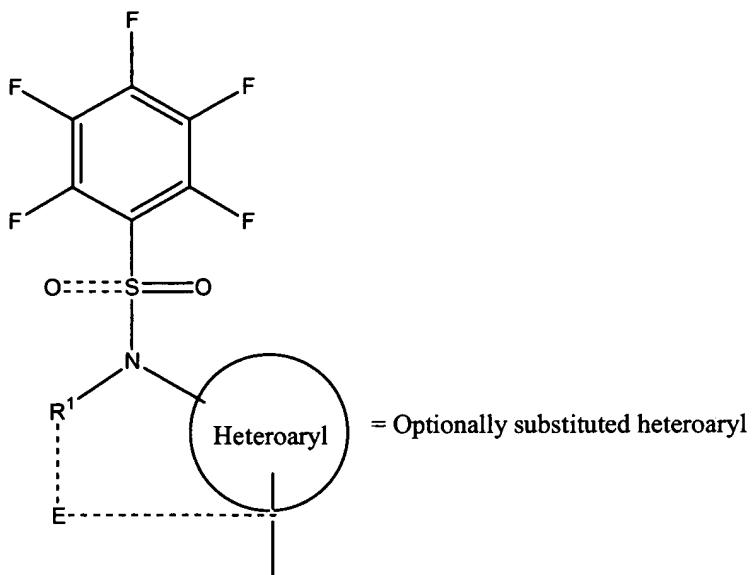
Claims 1, 2, 36, 43, 44, 58, 59, 61, 62, 89, 97, 102, 103 and 110 stand rejected under 35 U.S.C. 102(b) as being anticipated by Iwata et al., CAPLUS Abstract 116:214490 (1992). The Office Action specifically cites compound RN 140893-46-5. This rejection is respectfully traversed.

For any reference to serve as an anticipation of a claimed invention, the reference must teach each and every limitation of the claimed invention. *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 58 USPQ2d 1286, 1291 (Fed. Cir. 2001).

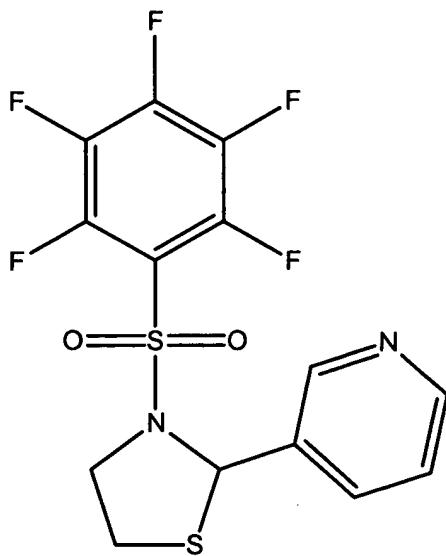
The compound of the cited reference does not describe a structure embraced by the pending claims. From comments proffered by the Examiner in the Office Action explaining why the cited reference is considered an anticipatory reference it appears that the Examiner is misreading the scope of the claimed invention.

Of the rejected claims, claims 1, 43 and 61 are the only independent claims. All of the remaining rejected claims depend either directly or indirectly for the scope of the recited compounds on these claims. Each of these claims recites the limitation that R² must itself be an “optionally substituted heteroaryl.” If R² must be a heteroaryl, then even when the substituents R¹ and R² are connected by a linking group R² MUST STILL ON ITS OWN BE A

HETEROARYL. This structure can best be illustrated when there is a linking moiety E as follows:



As shown, moiety E links the R^1 substituent to the optionally substituted heteroaryl of the R^2 substituent. The cited reference, and particularly the specifically referenced compound in the reference, in contrast, has the following structure:



As shown, this compound effectively joins what could be R¹ and R² moieties on the nitrogen of the sulfonamide directly together by a linear chain together with the core nitrogen to form a single heterocycle that is then substituted by a pyridyl. The pending claims, however, for those compounds where the R¹ and R² moieties are linked together by the E moiety, require that two rings, somewhat akin to a fused structure, be formed. Such a structure is NOT anticipated by the cited reference.

On the basis of the foregoing, the rejection of claims 1, 2, 36, 43, 44, 58, 59, 61, 62, 89, 97, 102, 103 and 110 under 35 U.S.C. §102(b) over Iwata is improper and the rejection should be withdrawn. Reconsideration and the allowance of the pending claims are thus respectfully requested.

Respectfully submitted,

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